

Bond, Michael R.

From: Richard Garren [RGarren@riggsabney.com]
Sent: Friday, August 10, 2007 9:31 AM
To: Bond, Michael R.
Subject: RE: Pre 2002 document production

Thank you.

From: Bond, Michael R. [mailto:Michael.Bond@KutakRock.com]
Sent: Friday, August 10, 2007 9:20 AM
To: Richard Garren; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: RE: Pre 2002 document production

Rick, what you received was data in summary form. That data is usually found in single reports based on single farms for short periods of time, for example, settlement statements. You were provided with the information you asked for in summary reports.

Of course I have spoken with the appropriate personnel at Tyson and Cobb regarding these issues. I have told you that before. The result of those conversations was provided to you on April 17, 2007. In fact, I continue to speak to my clients about production of this type of information as it is my duty. Tyson's systems cannot provide the information how you want it. The information from Tyson has been provided in the manner in which it can be generated and produced. It is responsive to your discovery requests. It is not an "excuse" that the state can "add up" the numbers. It is a fact and it is reality. If my client does not maintain the records or have a system that can prepare a report the exact way you want it that is entirely acceptable. I suspect if I asked the State for information in particular format (i.e. a certain time period, by watershed, aggregated) and they they do not keep it in one or more of those formats the State would tell me the exact same thing and we may soon find that out. The previous information provided by Cobb is also responsive to your discovery requests. In a recent conversation with Cobb they indicated that they may be able to run a report on their bird production and feed usage in an annualized manner. I have asked them try but have not received anything as of now. I will advise of the success or failure of that exercise. If they can do it, we will produce it to you. I have been open and clear with you on this issue. In the past I have told you what my client can and cannot do with regards to the production of this information. For some reason you just choose to ignore it or just not believe it. Be certain, if my clients can generate the type of summary data in the exact manner specified by you without undue burden they will produce. We would expect the same from the State. At this time Tyson cannot but Cobb may be able to. Regardless you have been provided with the information which answers your discovery requests.

Michael

From: Richard Garren [mailto:RGarren@riggsabney.com]
Sent: Friday, August 10, 2007 6:48 AM
To: Bond, Michael R.; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: RE: Pre 2002 document production

Michael,

You will recall our conversations centered around receiving in **summary form** the information relative to Tyson's bird and feed production. Instead the same kind of data was provided in tiff image of the hard copy forms. The goal was to confer with your clients IT personnel to determine what reports could be run to provide the type of information shown in the various reports I pulled and sent to you. (bird production etc.) You never responded about Tyson's ability to run reports that

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would summarize this data. Instead you chose to submit hard copy materials without discussing this issue further. I clearly understand Tyson's position that pre 1998 material is in hard copy paper format.

Again my question still remains unanswered. Is there additional reports that Tyson can produce showing in an annualized or summary form the same data it has provided in hard copy? The excuse that the State can "add up" the numbers is not acceptable if in fact Tyson's computer systems maintain summary or annualized data. Have you spoken to the IT staff and determined what data is available in summarized or annualize form?

Rick

From: Bond, Michael R. [mailto:Michael.Bond@KutakRock.com]
Sent: Thursday, August 09, 2007 6:02 PM
To: Richard Garren; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: RE: Pre 2002 document production

Please see attached letter.

From: Richard Garren [mailto:RGarren@riggsabney.com]
Sent: Wednesday, August 08, 2007 6:35 PM
To: Bond, Michael R.; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: Pre 2002 document production

Michael,

I have attached two emails related to our past discussions on the issue of pre-2002 document production. I do not recall that there was anything substantive provided to me as to what and how much of the information could be produced electronically by Tyson. I believe you owe me a response to see if this matter can be resolved in whole or part through this process. I also know when we talked that some documents would be available in hard copy only but that is different than the reports mentioned in the attached emails. The discussion was that we would run to ground the electronic data first and from that decide what additional materials the state would need to review. Notwithstanding your conversation with Bob Nance I believe this still deserves your attention.

Let me know your response.

<<Richard Garren - 08-08-07 - TQCBZQE.pdf>>
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